

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**KEVIN JOSEPH FOTI,**

**Plaintiff,**

**v.**

**No. 14-cv-0667 JB/SMV**

**BERNALILLO COUNTY METROPOLITAN  
DETENTION CENTER, et al.,**

**Defendants.**

**MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before me on the Second Order to Show Cause [Doc. 25], filed on May 4, 2015. The Court has referred the case to me for analysis and recommended disposition. [Doc. 3]. Plaintiff has failed to keep a current address with the Court and, thus, has severed contact. Accordingly, I recommend that this matter be dismissed without prejudice.

Two mailings to Plaintiff were returned as undeliverable in February and March of this year. [Docs. 13, 17]. Thus, on March 18, 2015, I ordered Plaintiff to show cause why his case should not be dismissed for failing to follow Local Rule 83.6 (requiring pro se parties to keep their addresses current) and for severing contact with the Court. [Doc. 18]. Plaintiff then submitted a written change-of-address notification on March 30, 2015. [Doc. 19]. Soon thereafter, however, on April 27, 2015, another mailing to Plaintiff was returned as undeliverable. [Doc. 23]. Therefore, I again ordered Plaintiff to show cause no later than May 26, 2015, why his case should not be dismissed. [Doc. 24]. The deadline has passed, and Plaintiff has not updated his address.<sup>1</sup>

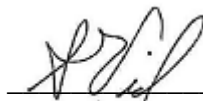
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<sup>1</sup> Court staff indicate that Plaintiff has called by telephone on several occasions regarding his address. He has been

It appears that Plaintiff has again changed his address without notifying the Court in writing, as required by D.N.M.LR-Civ. 83.6, and has therefore severed contact with the Court. Because Plaintiff has failed to comply with the Court's local rules, *see Baker v. Suthers*, 9 F. App'x 947, 949 (10th Cir. 2001), and because he has failed to show cause otherwise,

**IT IS RESPECTFULLY RECOMMENDED** that this action be **DISMISSED** without prejudice.

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN FOURTEEN DAYS OF SERVICE** of a copy of these Proposed Findings and Recommended Disposition, they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any written objections with the Clerk of the District Court within the 14-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**



STEPHAN M. VIDMAR  
United States Magistrate Judge

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notified that he is required to maintain a current address on the docket and that notices of change of address must be submitted "in writing." D.N.M.LR-Civ. 83.6. Apparently, during the last telephone call in late May, 2015, Plaintiff reported that his current address was 715 Candelaria NE in Albuquerque. Although telephonic changes of address are not permitted under the rule, the Court will direct the Clerk to forward this order to Plaintiff at both the address of record (4208 54th St. Des Moines, IA 50310) and to 715 Candelaria NE in Albuquerque.